IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 6TH JULY 2006 / 15TH ASHADHA,1928

Bail Appl..No. 4037 of 2006

CP.229/2001 of J.M.F.C.-III, PUNALUR
(CRIME NO. 174/2001 OF KUNNIKODE POLICE STATION)

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PETITIONER/ACCUSED:

VIKRAMAN,
NIRAPPIL KIZHAKKETHIL VEEDU, GANDHIGRAM,
KOTTAVATTOM, CHAKKUVARACKAL, KOTTARAKKARA.

BY ADV. SRI.RAJA VIJAYARAGHAVAN
SRI.K.SURESH BABU (PUNALUR)

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2006, ALONG WITH B.A.NO.4045/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 4037/2006 & 4045/2006

DATED THIS THE 6TH DAY OF JULY, 2006

O R D E R

The petitioner in both the applications are same. In B.A. 4037/2006, petitioner is the accused in crime No.174/2001 of Kunnikode Police Station, for the offence punishable under Section 8(1) and 8(2) of the Abkari Act, on the allegation that 105 liters of arrack belonging to him, were seized from a canal, adjacent to the property of one Nanu, but the petitioner could not be arrested, as he was absconding, submits the prosecution. Hence he is before this Court, for an order under Section 438 Cr.P.C.

2. Bail Application No.4045/06 is in relation to the crime No.163/2005, which is also of Kunnicode Police Station, registered under Section 55(g) of the Abkari Act, on the allegation that about 10,000 liters of wash, stored in a trench covered with tarpaulin, were recovered, allegedly from the possession of the petitioner. In that case also, he was not arrested as he was absconding.

3. When both the applications came up for consideration, the learned counsel submitted relying on certain documents, that he was residing in the house. He came to know about the registration of the crime and therefore, he had sent the complaint to the Human Rights Commission as well as the Superintendent of Police of kollam District. Therefore, submitted that the allegation of, he having absconded after the registration of the crime, is unfounded.

4. Without going into the merit of the contentions, raised by both sides, I direct the petitioner to appear before the Judicial Magistrate of First Class-III, Punalur, on 12.7.2006 at 11.00 a.m., and move application(s) for bail, after serving copy of the same, to the Prosecution. The learned Magistrate shall consider the application(s) and if the copy is served, well in advance, the same shall be disposed of, as far as possible, on the same day itself, on merit.

The applications are allowed as above.

J.M.JAMES
JUDGE

mrcs